UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

A.F., ON BEHALF OF J.R.; AND A.R., ON BEHALF OF B.R., Plaintiffs, v. CHARACTER TECHNOLOGIES, INC.; NOAM SHAZEER; DANIEL DE FREITAS; GOOGLE, LLC; AND ALPHABET INC. Defendants.	No. 2:24-CV-1014-JRG-RSP

NOTICE REGARDING DEFENDANTS' MOTIONS TO COMPEL ARBITRATION AND STAY (D.I. 34, 48, 39, 42)

In advance of the April 23, 2025 conference, Plaintiffs respectfully notify the Court that JAMS has denied defendant Character Technologies, Inc.'s ("C.AI") application to stay the arbitral proceedings Plaintiffs initiated on March 21, 2025. JAMS agreed with Plaintiffs' position that any objection C.AI may have to the scope of the arbitral proceedings should be resolved by the arbitrator. A copy of the correspondence the parties received from JAMS is attached hereto as Exhibit A.

Dated: April 22, 2025   Respectfully submitted,

                                           s/ Samuel F. Baxter

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<u>CERTIFICATE OF SERVICE</u>

The undersigned hereby certifies that a true and correct copy of the above and foregoing

document has been served on April 22, 2025 to counsel of record via the Court's ECF System.

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/s/ Radu A. Lelutiu
Radu A. Lelutiu

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Exhibit A

NOTICE TO ALL PARTIES   April 16, 2025

      RE: **A.R., on behalf of B.R. vs Character Technologies, Inc., et al., - 5100002907**
               A.F., on behalf of J.F., vs Character Technologies, Inc., et al., - 5100002906

Dear Parties:

Pursuant to JAMS Rules 1(c) and 6(e), the JAMS National Arbitration Committee (NAC) has received and reviewed Claimants' request to consolidate the above-referenced matters, Respondent's opposition and request for a stay, and Claimants' reply thereto.

Claimants demand arbitration pursuant to Respondent's Terms of Service ("Terms"). The Terms provide for arbitration in accordance with JAMS Streamlined Arbitration Rules and Procedures. The Terms further provide that "unless both You and Character AI agree otherwise, the arbitrator may not consolidate or join more than one person's or party's claims and may not otherwise preside over any form of consolidated, representative, or class proceeding."

JAMS Streamlined Rule 6(e) provides in relevant part, "Unless the Parties' Agreement or applicable law provides otherwise, JAMS, if it determines that the Arbitrations so filed have common issues of fact or law, may consolidate Arbitrations in the following instances . . . ." (Emphasis added.) In light of the language in the Terms and Respondent's opposition to consolidation, JAMS is unable to consolidate these matters at this time.

As for Respondent's request for a stay. The Terms provide that all issues are for the arbitrator to decide, including but not limited to, issues relating to scope, enforceability, and arbitrability of this Arbitration Agreement. Under the JAMS Rules, jurisdictional and arbitrability disputes shall be submitted to and ruled on by the arbitrator. The arbitrator has the authority to determine jurisdiction and arbitrability issues as a preliminary matter. See JAMS Streamlined Rule 8(b).

Accordingly, JAMS will proceed with administration at this time. Any further request for a stay may be raised with the arbitrator upon appointment. The parties may participate in the arbitrator selection process without waiving any objections stated to date.

Sincerely,

/s/ Kimberly Loew

Kimberly Loew, Esq.
Senior Counsel, Legal Affairs
Member, JAMS National Arbitration Committee